

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE)	
)	
v.)	
)	I.D. Nos. 1306004240
)	1312017698
CHARLES HURD,)	
)	
Defendant.)	

ORDER

Submitted: February 15, 2023

Decided: May 8, 2023

AND NOW TO WIT, this 8th day of May 2023, upon consideration of Charles Hurd (“Defendant”)’s Motion for Modification of Sentence under Rule 35, the sentence imposed upon the Defendant, and the record in this case, it appears to the Court that:

1. On June 10, 2014, Defendant pled guilty to five counts of Dealing in Child Pornography and one count of Unlawful Sexual Contact Second Degree (USC2).¹ For each count of the former, Defendant was sentenced to eight years at Level V, suspended after three, for transitioning levels of probation, including six months of Level IV. For USC2, he received three years at Level V, suspended after two, also followed by transitioning levels of probation.² Defendant is also prohibited

¹ Crim. I.D. 1306004240, D.I. 32.

² Crim. I.D. 1306004240, D.I. 38.

from accessing the Internet through any digital device.³

2. On February 10, 2023, Defendant filed this motion to modify his Level IV sentence to Level III probation,⁴ to make his employment searches “easier” because his Level IV placement requires internet access to conduct such searches.⁵

3. Although Rule 35 permits the Court to consider a modification of his Level IV sentence,⁶ his request is denied. Defendant entered into a Plea Agreement,⁷ wherein he fully acknowledged the range of possible penalties to include Level IV placement, and the condition to include no access to the Internet;⁸ the former to ensure Defendant transitions smoothly from prison, and the latter due to the nature of his offenses. The sentence remains appropriate for all the reasons stated at the time of sentencing.

IT IS SO ORDERED that Defendant’s Motion is **DENIED**.

/s/ Vivian L. Medinilla
Vivian L. Medinilla
Judge

oc: Prothonotary
cc: Defendant
Department of Justice
Investigative Services Office

³ Crim. I.D. 1306004240, D.I. 38.

⁴ Crim. I.D. 1306004240, D.I. 40.

⁵ *Id.*

⁶ Del. Super. Ct. Crim. R. 35(b) (providing that the Court may reduce the “term or conditions of partial confinement or probation, at any time”).

⁷ Crim. I.D. 1306004240, D.I. 32.

⁸ *See id.*